



**OFFICE OF THE DISTRICT ATTORNEY, Bronx County**

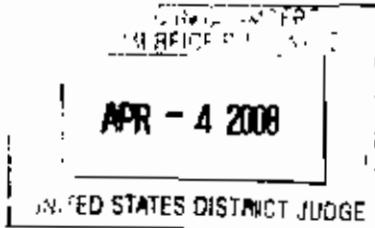
**ROBERT T. JOHNSON**  
*District Attorney*

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March 31, 2008

Honorable Naomi R. Buchwald  
 United States District Judge  
 United States Courthouse  
 500 Pearl Street, Room 2270  
 New York, New York 10007



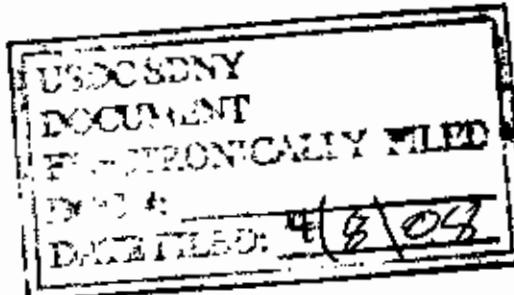
Re: Rohan Brown v. Robert E. Ercole,  
Superintendent, Green Haven  
Correctional Facility  
 07 Civ. 11609 (NRB)

Your Honor:

I am writing to request a thirty (30) day extension of time to file a full response to the above-referenced state prisoner's federal habeas corpus petition, to May 15, 2008. The People's response is currently due on April 15, 2008. This is the second adjournment request made by this Office. Defendant's attorney, David J. Klem, has consented to the adjournment.

While I have been working on this case, I only recently received the case files necessary to respond to the petition. Also, in accordance with this Court's Order, dated January 4, 2008, I ordered the transcripts from the state court proceedings upon being assigned to this case, but as of 4/7/08 the date of this letter, have only received a hearing transcript. I placed a second order for the complete transcripts approximately two weeks ago.

Additionally, I require this thirty-day extension of time due to press of work. The Appellate Division, First Department, June Term deadline is April 16, 2008, the day after the current return date for this petition. My supervisor on the instant matter is currently editing several direct appeals due for the June Term. Further, I am scheduled for oral argument on an appeal before the New York Court of Appeals on April 17, 2008. Also, I have a hearing pending in Supreme Court, Bronx County, on a CPL § 440.10 motion.



Accordingly, I request this adjournment, to May 15, 2008, based on a good faith estimate of the amount of time I will need to thoroughly review the aforementioned materials and file a comprehensive response to petitioner's federal habeas corpus petition.

Thank you very much for your consideration in this matter.

Respectfully,



Jennifer Marinaccio  
Assistant District Attorney

cc: David J. Klem  
Senior Appellate Counsel  
Center for Appellate Litigation  
74 Trinity Place, 11th Floor  
New York, New York 10006

Enc.